

EXHIBIT 3

28 SC §1746 DECLARATION OF MONICA FREITAS

1. I, Monica Freitas, am the Plaintiff in Monica Freitas v. Ethicon, Inc., et al., 2:12-cv-01146. I am over 18 years old, am of sound mind and free of any mental disease or psychological impairment of any kind or condition.
2. I am a citizen of the United States of America and am 42 years old.
3. I have personal knowledge of all the facts and circumstances described herein below in this declaration and will testify in open court to all the same.
4. On February 23, 2016, I travelled from Ontario, California to Denver Colorado to be examined by defense expert Dr. Brian Flynn.
5. I arrived to the exam at 13111 E. Briarwood Avenue Ste. 105, Centennial CO on February 24, 2016, at 09:00 am. However, the exam did not start on time.
6. Prior to the exam, I told Dr. Flynn that I was scared to have vaginal exams because I have so much cramping and pain in that area. I told him it even hurt to have intercourse.
7. I removed my clothing from the waist down and covered myself with a sheet. A Caucasian nurse with brown hair, approximately 30 years old was in the room as well. I placed my feet in the stirrups and moved my body to the end of the table. I saw Dr. Flynn grab a speculum from the table but I couldn't see anything else due to the sheet across my knees. He did not tell me what he was doing or what he was about to do before he began touching me.
8. I began to feel a sharp pain move across my vaginal wall and told him it hurt. He did not stop and did not say anything. I then felt an extremely sharp pain as if someone was stabbing me with a knife and I could not control my next reaction. I pushed myself against the top of the bed and held my knees and screamed, "why, why, why, why!" I began to sob and could not breathe.
9. I said, "Do other women need to do this?" and I said, "What is it." and "Where Is It?" and he said, "It's the mesh and if you don't let me finish the exam, I will have to submit this as incomplete."
10. I could not stop crying and he did not say anything. He just stared at me. The nurse said, "you can hold my hand if you want too." Dr. Flynn told her that would not be a good idea because I might hurt her because I was a corrections officer and laughed.
11. Although I was sobbing and could not breathe like a child, I moved back down to the end of the table to continue the exam. He said he was going to use a smaller speculum and placed something inside my vagina and asked me to push like I was giving birth and cough.

12. The exam ended after that. Dr. Flynn told me to get dressed and he would be back in a couple of minutes. He told me I might see blood because of my period. I told him I was not on my period. He came back very quickly, as I was pulling my pants up and said he had to hurry because his next appointment was there and he left the room.

13. Nobody spoke to me after that. I went to the bathroom to clean myself up and saw I had blood coming out of my vagina, but I was not on my period. It was heavy and I placed a tampon in my vagina and a couple of panty liners which I always carry with me.

14. A shuttle picked me up at 11am at the medical center and I was having extreme pain and cramping. I felt a stabbing pain near my bladder. It felt like an extremely bad bladder infection. I took Motrin and tried to sleep on the plane, but nothing helped the pain. I took pictures of the blood on the tampon and on the toilet paper while at the Denver airport.

15. I landed at the Ontario airport at 6:15 pm on 2/24/16 and went to the urgent care at 7:31 pm seeking relief for the pain. I was examined by Dr. James Brown at the Mountain View Urgent Care at 8250 White Oak Avenue, Ste. 106, in the city of Rancho Cucamonga, CA. He prescribed me a muscle relaxer, cyclobenzaprine and 800 mg Ibuprofen.

16. On 2/25/16, I went to work I but was still cramping and had new symptoms of dizziness and nausea. I took my daughter to her basketball practice at our church at 6:00 pm and at 6:45 pm, I became so dizzy and short of breath, I passed out and paramedics were called to transport me to San Antonio Medical Hospital. My vitals were taken in the ambulance and they were fine. After I rested in the emergency room, I asked to be discharged and would follow up with my primary physician. I left the hospital at 8:40 pm.

17. The bleeding lasted until 2/27/16 and I had increased vaginal discharge. The pain from the exam also lasted until 2/27/16. I am still in shock at what happened with Dr. Flynn and I don't know what to do. I am just trying to recover and move on the best I can.

18. I declare and affirm under penalty of perjury under the laws of the United States of American that the foregoing statements of fact and descriptions of circumstances and events are true and correct.

Signed and executed on this 7th day of March, 2016.


Monica Freitas



Mountain View Urgent Care at
Rancho Cucamonga
8250 White Oak Ave #106
Rancho Cucamonga, CA 91730
Phone: 909-361-6090 Fax:
909-989-8759
MountainViewUrgentCareRC@gmail.com

Name: Freitas, Monica	DOB: [REDACTED]	Sex: F
Acct #: [REDACTED]	MR #: [REDACTED]	AGE: 42
Visit Date: 02/24/2016 19:31	Bed #:	
Treating Provider: James R Brown MD		
Patient's PMD: TA		

You were seen today by: James R Brown MD

Primary Diagnosis:

Pansinusitis + Vaginal Foreign Body + Vaginal Bleeding - Etiology ? +

Our doctors and staff appreciate your choosing us for your medical care needs. Read these aftercare instructions carefully. Please call us if you have any questions about your medical problem.

For follow-up care you should see your doctor or return here as needed or as advised. When you see your doctor, bring your medicines and instructions to the office. If you had x-rays, an EKG, or lab tests today, they have been reviewed by your doctor. We will contact you at once if other important findings are noted after further review by our staff. If you do not continue to improve or if your condition worsens, please call your doctor or the emergency room right away. Your physician may have access to your medical record of today's visit by contacting us at the above number.

SPECIAL INSTRUCTIONS FROM YOUR PROVIDER:

Please make an appointment for a follow-up visit with your own physician in 5 days. (02/29/2016)

YOU WERE ALSO PRESCRIBED THE FOLLOWING MEDICATIONS:

02/24/2016 - Medrol (Pak) 4 mg tablets, dose pack As directed by mouth Take as directed Refills: 0 Dispense: (1 Pack(s))

02/24/2016 - IBUPROFEN 800 MG TABLET One TABLET by mouth Q 8 hrs PRN moderate to severe pain Refills: 0 Dispense: (30 Tablet(s))

02/24/2016 - cyclobenzaprine 10 mg tablet One by mouth Q 12 hrs PRN cramps, muscle spasms Refills: 0 Dispense: (20 Tablet(s))

Instructions provided:

- 1) Pain Relief Preoperatively and Postoperatively
- 2) Sinusitis, Easy-to-Read
- 3) Vaginal Foreign Body, Easy-to-Read

Patient Name: Freitas, Monica

Patient Condition																	
Chief Complaint: Near syncopal X Minutes																	
Secondary Complaint:																	
Alcohol/Drug Use: Patient Denies Alcohol/Drug Use																	
Primary Symptom																	
Other Associated Symptoms																	
Dizziness																	
Patient Vitals																	
Time	B/P	Pulse	Rhythm	Resp.	Effort	SpO2	SpO2 Qual.	ETCO2	GCS	Pain	Stroke Scl	PTA	B.G.	RTS	Limbs	Patient Position	
19:28	134/91	79	RR	20	Normal	100	Rm. Air		15	0	mLAPSS Negative		96	12	Left Arm	Semi-Fowlers	
19:43	142/86	75	RR	18	Normal	99	Rm. Air		15	0	mLAPSS Negative			12	Left Arm	Semi-Fowlers	
ECG Monitor																	
Time	ECG Type	ECG Lead	ECG Interpretation	ECG Ectopy	Cause For Change												
Procedures and Treatments																	
Time	Crew	Name	Location	Size of Equipment	Attempts	Response	Success	Comments									
Medication Administered																	
Time	Crew	Medication	Route	Dosage	Response	PTA	Comments										
Injury Details																	
Patient Transport/Positioning																	
Patient Moved To Ambulance					Patient's Position In Transport					Patient Moved From Ambulance							
Stretcher					Semi-Fowlers					Stretcher							
Call Type and Location			Call Disposition			Response Times and Mileage											
Call Type: Unconscious/Fainting			Disposition: Treated, Transported by EMS (ALS)			1st Resp. 19:15											
Resp. Lights and Sirens			Resp. Mode: No Lights or Sirens			Arr.:											
Mode:			Destination: SAN ANTONIO REGIONAL HOSPITAL, 999 San Bernardino Road, UPLAND, CA 91786			PSAP: 19:06 Incident #: 4893552											
Urgency:			Dest. Patient Choice			Disp. 19:06 Call Sign: 1133											
Response: 911 Response			Determ.:			Notified:											
Location: Other Location			Diverted			Unit Disp.: 19:10 Veh. #: 1133											
Address: 5354 HAVEN AVE North Cucamonga, San Bernardino, CA 91730			From:			Enroute: 19:10 Start Miles: 0.0											
			Base Hospital:			At Scene: 19:16 Scene 0.0 To 0.0											
			Response Other			At Patient: 19:17 Miles: Scene:											
			Delay:			Depart: 19:31											
			Scene Delay: None			Arrive 19:47 Dest. Miles: 7.4 To Dest: 7.4											
			Transport None			Dest:											
			Delay:			In 20:54											
						Service:											
						In End Miles: 7.4 To End: 0.0											
						Quarters:											
						Cancelled:											
Transfer of Patient Care																	

Patient Name: Freitas, Monica

Prehospital Care Report

 AMR-Rancho Cucamonga
 7925 Center Ave
 Rancho Cucamonga, CA 91730

Incident Date: 02/25/2016

Call #: 4893552

Patient Care #: [REDACTED]

Patient Information

Name: Freitas, Monica

Age: 42 Years

D.O.B: [REDACTED] (mm/dd/yyyy)

Address: [REDACTED]

Gender: Female

SSN: [REDACTED]

Weight: 75.000 KG /
165.35 LB

Race: White

HESPERIA, SAN BERNARDINO, CA 92345

Phone: [REDACTED]

Ethnicity: Not Hispanic or
Latino

Provider Impression

Primary Impression

General Malaise

Secondary Impression

Narrative

Summary of Events

AOS to find pt lying supine on a couch, A/O x 4, in a mild to moderate amount of emotional distress. ME 175 arrived on scene first and completed the initial assessment. Pt was complaining of dizziness. Pt stated she suddenly felt dizzy while sitting in a chair and stated she felt like she was going to pass out. Family was able to assist her onto the couch. Family stated she never passed out. Pt seemed very anxious and was unable to keep focus on the initial assessment questions. ME 175 completed the initial assessment with no significant findings. Pt was loaded into the ambulance. SACH was contacted and pt was cleared for their facility with BLS orders. Upon arrival to SACH pt care was transferred to ER staff without incident after a bed delay.

Prior Aid

Prior Aid

None,

Performed By

EMS Provider

Outcome

Unchanged

Past Medical History

MEDICATION ALLERGIES

Generic Name

Description

NKDA (No Known Drug Allergies)

NKDA (No Known Drug Allergies)

NKDA (No Known Drug Allergies)

Environmental/Food Allergies

Description

Not Known

Patient Medications

Generic Name

Dosage

Concerta

methylphenidate (stimulant)

Xanax

alprazolam (anxiety)

Medical Surgery History

Other, Psychological/Behavioral - Anxiety Disorder (Panic Attacks)

History Primarily
Obtained From

Pregnancy

Advanced Directives

Practitioner Name

Patient

No

Assessment Exam

20:45

Mental Status: Normal Mental Status for Patient, Oriented-Person, Oriented-Place, Oriented-Time, Oriented-Events, ; **Neuro:** Normal, Speech Normal, ; **Skin:** Warm, Capillary Nail Bed Refill less than 2 Seconds, Color - Normal, ;

Prehospital Care Report

AMR-Rancho Cucamonga
7925 Center Ave
Rancho Cucamonga, CA 91730

Incident Date: 02/25/2016

Call #: 4893552

Patient Care #: [REDACTED]

Patient Information			
Name: Freitas, Monica	Age: 42 Years	D.O.B.: [REDACTED]	
Address: [REDACTED]	Gender: Female	SSN: [REDACTED]	
	Weight: 75.000 KG / 165.35 LB	Race: White	
HESPERIA, SAN BERNARDINO, CA 92345	Phone:	Ethnicity: Not Hispanic or Latino	

Primary Impression

Provider Impression

General Malaise

Secondary Impression

Summary of Events

Narrative

AOS to find pt lying supine on a couch, A/O x 4, in a mild to moderate amount of emotional distress. ME 175 arrived on scene first and completed the initial assessment. Pt was complaining of dizziness. Pt stated she suddenly felt dizzy while sitting in a chair and stated she felt like she was going to pass out. Family was able to assist her onto the couch. Family stated she never passed out. Pt seemed very anxious and was unable to keep focus on the initial assessment questions. ME 175 completed the initial assessment with no significant findings. Pt was loaded into the ambulance. SACH was contacted and pt was cleared for their facility with BLS orders. Upon arrival to SACH pt care was transferred to ER staff without incident after a bed delay.

Prior Aid

Prior Aid	Performed By	Outcome
None,	EMS Provider	Unchanged

Past Medical History

MEDICATION ALLERGIES	Generic Name	Description
NKDA (No Known Drug Allergies)	NKDA (No Known Drug Allergies)	NKDA (No Known Drug Allergies)

Environmental/Food Allergies	Description
Not Known	

Patient Medications	Generic Name	Dosage
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